

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

CASE NO. 08-07137 (SEK)

JORGE L. DIAZ FIGUEROA

Chapter 13

Debtor

TRUSTEE'S OBJECTION TO CONFIRMATION

TO THE HONORABLE COURT:

COMES NOW Alejandro Oliveras Rivera, Chapter 13 Trustee, through the undersigned counsel and very respectfully states and prays:

1. The present case was filed on October 24, 2008. The meeting of creditors was held on December 4, 2008. The Trustee submitted an unfavorable recommendation. See Minutes, docket no. 15.

2. Taking into consideration the arguments discussed in the "Surreply to Debtor's 'Answer to Trustee's Motion to Dismiss'", the Trustee objects to the confirmation of the plan dated November 11, 2008.

3. In addition, the plan dated November 11, 2008 is insufficiently funded to pay all secured creditors and fails to provide for secured creditor Westgate Vacation Villas, proof of claim no. 8.

WHEREFORE, it is respectfully requested form the Court to deny confirmation of the plan dated November 11, 2008 for the reasons above-stated and any other relief it may deem just.

NOTICE

YOU ARE HEREBY NOTIFIED THAT YOU HAVE TEN (10) DAYS FROM THE DATE OF THIS NOTICE TO FILE AN OPPOSITION TO THE FOREGOING MOTION AND TO REQUEST A HEARING. IF NO OPPOSITION IS FILED WITHIN THE PRESCRIBED PERIOD OF TIME, THE TRUSTEE'S MOTION WILL BE DEEMED UNOPPOSED AND MAY BE GRANTED WITHOUT FURTHER HEARING UNLESS (1) THE REQUESTED RELIEF IS FORBIDDEN BY LAW; (2) THE REQUESTED RELIEF IS AGAINST PUBLIC POLICY; OR (3) IN THE OPINION OF THE COURT, THE INEREST OF JUSTICE REQUIRES OTHERWISE. IF A TIMELY OPPOSITION IS FILED, THE COURT WILL SCHEDULE A HEARING AS A CONTESTED MATTER.

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sends a notification of such filing to all those who in this case have registered for receipt of notice by electronic mail. I further certify that the foregoing has been served to the U.S. Trustee at ustpregion21.hr.ecf@usdoj.gov and by depositing true and correct copies thereof in the United States Mail, postage prepaid, to the non CM/ECF participants: debtor(s) and parties in interest that have filed notices of appearance included in the service list attached to the original hereof.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 6th day of March, 2009.

/s/Alejandro Oliveras Rivera
ALEJANDRO OLIVERAS RIVERA
CHAPTER 13 TRUSTEE
P.O. Box 9024062
San Juan, PR 00902-4062
Tel. 977-3500 Fax 977-3521

s/ Rosamar García Fontán
ROSAMAR GARCIA FONTAN
Staff Attorney
USDC # 221004

The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail or electronically sent to the parties listed below:

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